

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**PRISCILLA COLEMAN**

*Plaintiff,*

§  
§  
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§  
§  
§

v.

**Cause of Action No. 3:21-cv-1633**

**FIESTA MART, LLC,**

*Defendant.*

§  
§  
§

**DEFENDANT'S NOTICE OF REMOVAL**

TO: The Honorable United States District Court for the Northern District of Texas, Dallas Division:

Defendant Fiesta Mart, LLC files this notice of removal under 28 U.S.C. §1446(a) to the United States District Court for the Northern District of Texas, Dallas Division, and would respectfully show:

**A. Introduction**

1. On May 19, 2021, Plaintiff Priscilla Coleman sued Defendant Fiesta Mart, LLC in the 44<sup>th</sup> Judicial District Court in Dallas County, Texas. *See* Exhibits “1” and “2”. In her suit styled *Priscilla Coleman v. Fiesta Mart, LLC*; Cause No. DC-21-06366, Plaintiff alleges a cause of action for premises liability related to an alleged slip and fall on Defendant’s premises. *See* Exhibit “3”. Plaintiff plead damages up to \$250,000.

2. Defendant was served with the suit on June 24, 2021. *See* Exhibit “4” Defendant’s first notice of the lawsuit was on June 24, 2021. Defendant answered the Petition on July 13, 2021. *See* Exhibit “5”. Defendant files this notice of removal within the 30-day time period required by 28 U.S.C. §1446(b). *Bd. of Regents of Univ. of Tex. Sys. v. Nippon Tel. & Tel. Corp.*, 478 F.3d 274, 278 (5th Cir. 2007).

B. Basis for Removal

3. Removal is proper because there is complete diversity between the parties. 28 U.S.C. §1332(a); *Johnson v. Columbia Props. Anchorage, L.P.*, 437 F.3d 894, 899-900 (9th Cir. 2006). Plaintiff is a citizen of Texas. Fiesta Mart, L.L.C., the Defendant, is a limited liability company. Therefore, its citizenship is determined by the citizenship of its members. *See, e.g., Harvey v. Grey Wolf Drilling Co.*, 542 F.3d 1077, 1080 (5th Cir. 2008). The sole member of Fiesta Mart, L.L.C. is Bodega Latina Corp., a corporation incorporated under the laws of the State of Delaware with its principal place of business, now and when the case commenced, in California. The corporate structure of Fiesta has not changed since the time the affidavit included as Exhibit 9 was executed. Because Fiesta takes the citizenship of its sole member, Fiesta is therefore a citizen of Delaware and California and of no other state. *See Harvey*, 542 F.3d at 1080. *See Exhibit “9”.*

4. Additionally, the amount in controversy exceeds \$75,000, excluding interest and costs. 28 U.S.C. §1332(a); *Andrews v. E.I. du Pont de Nemours & Co.*, 447 F.3d 510, 514-15 (7th Cir. 2006). Plaintiff pleads for damages up to \$250,000. *See Exhibit 3, Paragraph 1.02.*

5. Plaintiff seeks recovery for past and future medical expenses, past and future physical pain and suffering, and past and future physical impairment. *See Exhibit 3, Paragraph 5.01.*

6. The Fifth Circuit has held that a court can “determine that removal [is] proper if it is facially apparent” that the claims alleged in the petition “are likely above” the jurisdictional minimum. *Allen v. R & H Oil & Gas. Co.* 63 F.3d 1326, 1335 (5<sup>th</sup> Cir. 1995). The “facially apparent” evaluation is done by looking “at the face of the complaint [and] asking whether the amount in controversy [is] likely to exceed” the jurisdictional amount. *Id.* at 1336.

7. Based on the nature of Plaintiff’s claims that she sustained injuries and damages for which she seeks recovery for past and future medical expenses, past and future physical pain and

suffering, and past and future physical impairment, and that Plaintiff seeks up to \$250,000.00 in damages, it is apparent on the face of Plaintiff's Original Petition that the damages sought by Plaintiff are more likely than not to exceed the minimal amount. *Gerbia v. Wal-Mart Stores, Inc.*, 233 F.3d 880, 883 (5<sup>th</sup> Circuit 2000) (it was "facially apparent" that petition in slip and fall case satisfied amount in controversy requirement).

8. Copies of all pleadings, process, orders, and other filings in the state court suit are attached to this notice as required by 28 U.S.C. §1446(a). *See* Exhibits "1" through "7".

9. Venue is proper in this district under 28 U.S.C. §1441(a) because the state court where the suit has been pending is located in this district.

10. Defendant will promptly file a copy of this Notice of Removal with the clerk of the state court where the suit has been pending. See Exhibit "8"

C. Jury Demand

11. Defendant demands a trial by jury.

D. Conclusion

12. Removal of this action is proper under 28 U.S.C. § 1441, since it is a civil action brought in state court over which this Court has original jurisdiction under 28 U.S.C. § 1332 because Plaintiff and Defendant are diverse in citizenship.

13. For these reasons, Defendant asks the court to remove the suit to the United States District Court for the Northern District of Texas, Dallas Division.

Respectfully submitted,

**DORSETT, JOHNSON & SWIFT, LLP**

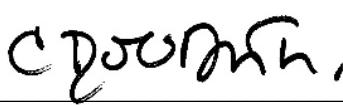
By:   
C. Robert Dorsett  
Attorney-in-Charge  
Federal Bar No. 626099  
State Bar No. 24029524  
Jessica A. Putonti  
State Bar No. 24041295  
Douglas M. Walla  
State Bar No. 20759900  
3503 Wild Cherry Dr., Bldg 6  
Austin, Texas 78738  
Telephone: (512) 600-4365  
Facsimile: (512) 266-3655  
E-mail: [eservice@dorsettjohnson.com](mailto:eservice@dorsettjohnson.com)  
**ATTORNEYS FOR DEFENDANT**

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that I am a member of the firm of Dorsett Johnson & Swift, LLP, attorneys for the Defendant herein, and that I have provided a copy of the foregoing to all counsel of record as reflected below this 14<sup>th</sup> day of July 2021.

***Via Electronic Case Filing and  
Electronic mail***

Mackenzie B. Linyard  
Rad Law Firm  
8001 LBJ Fwy, Suite 300  
Dallas, Texas 75251  
972-661-1111  
[mlinyard@radlawfirm.com](mailto:mlinyard@radlawfirm.com)  
[efileML@radlawfirm.com](mailto:efileML@radlawfirm.com)  
***Attorneys for Plaintiff***

  
C. Robert Dorsett, Jr.

# EXHIBIT “1”

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**PRISCILLA COLEMAN**

*Plaintiff,*

§  
§  
§  
§  
§  
§  
§

v.

**Cause of Action No. \_\_\_\_\_**

**FIESTA MART, LLC,**

*Defendant.*

**INDEX OF DOCUMENTS FILED**

As required under Local Rule 81, the following is a list of the documents being filed with the Fiesta Mart, L.L.C.’s (“Fiesta”) Notice of Removal in this action:

Exhibit	Description
1.	Index of Documents Filed
2.	Docket Sheet for Cause No. DC-21-06366; <i>Priscilla Coleman v Fiesta Mart, LLC</i> ; In the 44th District Court of Dallas County, Texas
3.	Plaintiff’s Original Petition, filed May 19, 2021
4.	Executed Citation for Fiesta Mart, LLC
5.	Defendant Fiesta Mart LLC’s Original Answer, filed July 13, 2021
6.	Status Conference Order
7.	List of Counsel of Record
8.	Notice of Removal in State Court
9.	Affidavit of Michael Saltzstein

## EXHIBIT “2”

## Case Information

### PRISCILLA COLEMAN vs. FIESTA MART, LLC

DC-21-06366

Location

Dallas County - District Court

Case Category

Civil - Other Civil

Case Type

Other Property

Case Filed Date

5/19/2021

Judge

WYSOCKI, ASHLEY

Case Status

Open (OPEN)

## Parties <sup>2</sup>

Type	Name	Attorneys
Plaintiff	PRISCILLA COLEMAN	MACKENZIE B LINYARD
Defendant	FIESTA MART, LLC	C ROBERT DORSETT JR

## Hearings <sup>2</sup>

Date/Time	Hearing Type	Judge	Location	Result
7/16/2021 09:00 AM	Status Conference	WYSOCKI, ASHLEY		
7/16/2021 09:00 AM	Status Conference	WYSOCKI, ASHLEY		

## Events <sup>7</sup>

Date	Event	Type	Comments	Documents
5/19/2021	Filing	NCF-C		No Documents 
5/19/2021	Filing	Original Petition		ORIGINAL PETITION.pdf
5/19/2021	Filing	Issue Citation		ISSUE CITATION - FIESTA MART, LLC.pdf
5/25/2021	Filing	Order - Status Conference		ORDER - STATUS CONFERENCE.pdf
5/26/2021	Filing	Return Of Service	EXECUTED CITATION - FIESTA MART, LLC	EXECUTED CITATION - FIESTA MART, LLC.pdf
7/13/2021	Filing	Original Answer - General Denial		ORIGINAL ANSWER - FIESTA MART, LLC.pdf
7/16/2021	Hearing	Status Conference	-	-

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Version: 2021.5.0.30



# EXHIBIT “3”

CAUSE No. DC-21-06366

**PRISCILLA COLEMAN,**  
**PLAINTIFF,**

v.

**FIESTA MART, LLC,**  
**DEFENDANT.**

**§ IN THE DISTRICT COURT**

**§ 44th JUDICIAL DISTRICT**

**§ § DALLAS COUNTY, TEXAS**

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### **PLAINTIFF'S ORIGINAL PETITION**

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TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES, PRISCILLA COLEMAN, Plaintiff, complaining of and against Fiesta Mart, LLC, Defendant, and for cause of action would respectfully show the following:

#### **I. DISCOVERY CONTROL PLAN LEVEL**

1.01 Pursuant to Rule 190.3 of the Texas Rules of Civil Procedure, this case will be governed according to Discovery Control Plan, Level 1.

1.02 Plaintiff seeks monetary relief no greater than \$250,000.

#### **II. PARTIES, JURISDICTION, AND VENUE**

2.01 Plaintiff is an individual residing in Dallas County, Texas.

2.02 Defendant is the owner/operator and has exclusive control of the premises, located at 5334 Ross Ave Dallas, TX 75206. Defendant is a Texas limited liability company and can be served with process by serving its registered agent, CT Corporation System, 1999 Bryan Street, Suite 900, Dallas, TX 75201-3136.

2.03 This Court has jurisdiction over the parties to and subject matter of these claims because the amount in controversy is within the jurisdictional limits of this Court and venue is

proper because all or a substantial part of the events or omissions giving rise to the claims herein occurred in Dallas County, Texas.

### **III. STATEMENT OF FACTS**

3.01 On or about September 22, 2020, Plaintiff was injured, while on Defendant's premises located at 5334 Ross Ave Dallas, TX 75206 (the "Premises"). At the time of Plaintiff's injury, the Premises were being used for the purpose of a grocery store. The business operated by Defendant on the premises was known as Fiesta Mart.

3.02 Defendant was in control of the Premises on which Plaintiff's injuries occurred. At the time the injuries occurred, Defendant was the owner of the Premises or leasing the Premises and had the exclusive right to control the property on which Plaintiff was injured.

3.03 Plaintiff was an invitee at the time the injury occurred. Plaintiff went onto Defendant's premises for the mutual benefit of herself and Defendant, and at the implied invitation of the Defendant.

3.04 Plaintiff was injured when, while walking on Defendant's premises, she slipped on wet paint on the floor outside of the store and fell. Plaintiff suffered serious injuries as a result of this incident as complained of herein.

### **IV. CAUSE OF ACTION FOR PREMISES LIABILITY**

4.01 At all material times, Plaintiff was an invitee of Defendant as she was on the Premises for the purpose of purchasing merchandise from Defendant at Defendant's implied invitation. At the time of the incident, there existed on the Premises a dangerous condition of which Defendant knew or should have known. Such dangerous condition posed an unreasonable risk of harm but Defendant failed to exercise reasonable care to eliminate the risk. Such failure by Defendant proximately caused Plaintiff to suffer injuries.

**V. DAMAGES**

5.01 As a proximate result of Defendant's negligence, Plaintiff suffered severe physical injuries. As a result of her injuries, Plaintiff has suffered the following damages:

- a. Physical pain and suffering in the past and future;
- b. Physical impairment in the past and future; and
- c. Medical expenses in the past and future.

WHEREFORE, PREMISES CONSIDERED, Plaintiff requests that Defendant be cited to appear and answer, and that on final trial she has judgment against Defendant in a sum in excess of the minimum jurisdictional limits of the Court; prejudgment and post-judgment interest as provided by law; costs of suit; and such other and further relief to which Plaintiff may be justly entitled.

Respectfully submitted,  
**RAD LAW FIRM**

BY: /s/Mackenzie Linyard  
**MACKENZIE B. LINYARD**  
State Bar No. 24083399  
8001 LBJ Fwy, Suite 300  
Dallas, Texas 75251  
Phone (972) 661-1111  
Fax (972) 661-3537  
E-Mail: [mlinyard@radlawfirm.com](mailto:mlinyard@radlawfirm.com)  
E-File: [efileML@radlawfirm.com](mailto:efileML@radlawfirm.com)  
**ATTORNEY FOR PLAINTIFF**

# EXHIBIT “4”

**FORM NO. 353-3 - CITATION  
THE STATE OF TEXAS**

**To: FIESTA MART, LLC  
BY SERVING THROUGH ITS REGISTERED AGENT CT CORPORATION SYSTEM  
1999 BRYAN STREET  
DALLAS TX 75201**

**GREETINGS:**

You have been sued. You may employ an attorney. If you or your attorney do not file a written Answer with the clerk who issued this citation by 10 o'clock a.m. of the Monday next following the expiration of twenty days after you were served this citation and **petition**, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org. Your answer should be addressed to the clerk of the **44th District Court** at 600 Commerce Street, Ste. 101, Dallas, Texas 75202.

Said Plaintiff being **PRISCILLA COLEMAN**

Filed in said Court **19th day of May, 2021** against

**FIESTA MART, LLC**

For Suit, said suit being numbered **DC-21-06366**, the nature of which demand is as follows:  
Suit on **PROPERTY** etc. as shown on said petition, a copy of which accompanies this citation. If this citation is not served, it shall be returned unexecuted.

WITNESS: FELICIA PITRE, Clerk of the District Courts of Dallas, County Texas.  
Given under my hand and the Seal of said Court at office this 24th day of May, 2021.

ATTEST: FELICIA PITRE, Clerk of the District Courts of Dallas, County, Texas

By CARLENIA BOULIGNY, Deputy  
CARLENIA BOULIGNY



**ESERVE**

**CITATION**

**DC-21-06366**

**PRISCILLA COLEMAN  
Vs.  
FIESTA MART, LLC**

**ISSUED THIS  
24th day of May, 2021**

**FELICIA PITRE  
Clerk District Courts,  
Dallas County, Texas**

**By: CARLENIA BOULIGNY, Deputy**

**Attorney for Plaintiff  
MACKENZIE B LINYARD  
RAD LAW FIRM PC  
8001 LBJ FREEWAY STE 300  
DALLAS TX 75251  
972-661-1111  
efileML@radlawfirm.com**

**DALLAS COUNTY  
SERVICE FEES  
NOT PAID**

## OFFICER'S RETURN

Case No. : DC-21-06366

**Court No.44th District Court**

Style: PRISCILLA COLEMAN

Vs.

FIESTA MART, LLC

Came to hand on the 25<sup>th</sup> day of May, 2021, at 2 o'clock P. M. Executed at  
~~35, #900, NAPER, IL 75201~~, within the County of DUPAGE at 2:25 o'clock P. M. on the  
24 day of MAY, 2021, by delivering to the within named  
CF CORPORATION

Each in person, a true copy of this Citation together with the accompanying copy of this pleading, having first endorsed on same date of delivery.  
The distance actually traveled by me in serving such process was                      miles and my fees are as follows: To certify which witness my hand.

For serving Citation \$ 75.00

SEVEN : EXPERIMENTAL

18830  
- EXP. 10/31/2022

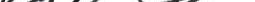
For mileage

8

of PENNSYLVANIA County, PA

**For Notary**

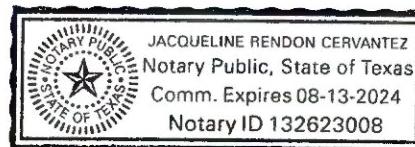
5

by  Senator John C. Stennis, Deput

(Must be verified if served outside the State of Texas.)

Signed and sworn to by the said Steven Friedenthal before me this 25 day of May, 2021,  
To certify which witness my hand and seal of office.  
Jacqueline Peniston

Notary Public Debra L. Hallas County TX



**Automated Certificate of eService**

This automated certificate of service was created by the efiling system. The filer served this document via email generated by the efiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Envelope ID: 53833891

Status as of 5/27/2021 2:08 PM CST

**Case Contacts**

Name	BarNumber	Email	TimestampSubmitted	Status
Mackenzie Linyard	24083399	efileML@radlawfirm.com	5/26/2021 12:50:41 PM	SENT

# EXHIBIT “5”

**CAUSE NO: DC-21-06366**

**PRISCILLA COLEMAN**  
*Plaintiff,*

**vs.**

**FIESTA MART, LLC**  
*Defendant*

**IN THE DISTRICT COURT**

**44<sup>TH</sup> JUDICIAL DISTRICT**

**DALLAS COUNTY, TEXAS**

**DEFENDANT FIESTA MART, LLC'S ORIGINAL ANSWER  
AND AFFIRMATIVE DEFENSES**

NOW COMES Defendant, Fiesta Mart, LLC (“Defendant” herein), and files its Original Answer and Affirmative Defenses to Plaintiff’s Original Petition (“Petition”) as follows:

**GENERAL DENIAL**

1. Pursuant to Rule 92 of the Texas Rules of Civil Procedure, Defendant generally denies all of the material allegations contained in the Petition and demands strict proof thereof in accordance with the laws of the State of Texas.

**AFFIRMATIVE DEFENSES**

2. Pleading further, and without waiver of the foregoing, Defendant denies that Plaintiff’s injuries and damages, if any, proximately resulted from any act or omission on the part of this Defendant.

3. Pleading further, and without waiver of the foregoing, Defendant respectfully alleges that Plaintiff’s recovery of medical expenses must be limited to costs actually paid or incurred by Plaintiff pursuant to TEX. CIV. PRAC. & REM. CODE ANN. § 41.0105.

4. Pleading further, and without waiver of the foregoing, Defendant respectfully alleges that Plaintiff’s recovery of economic and non-economic damages be limited pursuant to TEX. CIV. PRAC. & REM. CODE ANN. § 41.001, et. seq.

5. Pleading further, and without waiver of the foregoing, Plaintiff's injuries, and damages, if any, resulted from new and independent causes unrelated to any conduct of Defendant.

**JURY DEMAND**

6. Defendant demands a trial by jury and submits the appropriate fee.

**REQUEST FOR RELIEF**

WHEREFORE, Defendant respectfully requests that:

- (1) Plaintiff take nothing by this suit; and
- (2) Defendant recovers such other and further relief, both at law and in equity, to which it is justly entitled.

Respectfully submitted,

**DORSETT, JOHNSON & SWIFT, LLP**



---

C. Robert Dorsett, Jr.  
State Bar No. 24029524  
Jessica A. Putonti  
State Bar No. 24041295  
Douglas M. Walla  
State Bar No. 20759900  
3503 Wild Cherry Dr., Bldg. 6  
Austin, Texas 78738  
Telephone: (512) 600-4365  
Facsimile: (512) 266-3655  
E-mail: eservice@dorsettjohnson.com  
**ATTORNEYS FOR DEFENDANT**

**CERTIFICATE OF SERVICE**

Pursuant to Texas Rules of Civil Procedure 21 and 21a, a true and correct copy of the foregoing has been served upon all counsel of record, via ProDoc E-Service and Electronic Mail, on this the 13<sup>th</sup> day of July 2021:

Mackenzie B. Linyard  
Rad Law Firm  
8001 LBJ Fwy, Suite 300  
Dallas, Texas 75251  
972-661-1111  
[mlinyard@radlawfirm.com](mailto:mlinyard@radlawfirm.com)  
[efileML@radlawfirm.com](mailto:efileML@radlawfirm.com)  
*Attorneys for Plaintiff*

  
\_\_\_\_\_  
C. Robert Dorsett, Jr.

**Automated Certificate of eService**

This automated certificate of service was created by the efiling system. The filer served this document via email generated by the efiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Michaela Drinkwater on behalf of C. Dorsett, Jr.  
Bar No. 24029524  
mdrinkwater@dorsettjohnson.com  
Envelope ID: 55300948  
Status as of 7/13/2021 2:01 PM CST

**Case Contacts**

Name	BarNumber	Email	TimestampSubmitted	Status
Mackenzie Linyard	24083399	efileML@radlawfirm.com	7/13/2021 1:52:17 PM	SENT
Douglas Walla		dwalla@dorsettjohnson.com	7/13/2021 1:52:17 PM	SENT
Dorsett Dorsett		eservice@dorsettjohnson.com	7/13/2021 1:52:17 PM	SENT
Jessica Putonti		jputonti@dorsettjohnson.com	7/13/2021 1:52:17 PM	SENT

# EXHIBIT “6”

CAUSE NO. DC-21-06366

PRISCILLA COLEMAN,

IN THE DISTRICT COURT

Plaintiff(s),

v.

DALLAS COUNTY, TEXAS

FIESTA MART, LLC,

Defendant(s).

44TH JUDICIAL DISTRICT

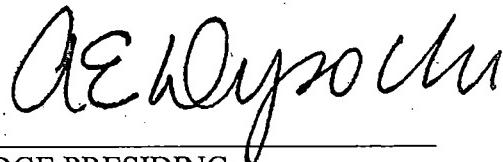
**STATUS CONFERENCE ORDER**

Please be advised that the above-referenced matter is hereby set for a status conference/dismissal hearing at:

**9:00 a.m. on July 16, 2021**

Failure to appear at this hearing may result in the dismissal of this matter for want of prosecution pursuant to Texas Rules of Civil Procedure 165a and the Court's inherent power.

Signed this 25<sup>th</sup> day of May, 2021.

  
\_\_\_\_\_  
JUDGE PRESIDING

# EXHIBIT “7”

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

PRISCILLA COLEMAN

*Plaintiff,*

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§

v.

Cause of Action No. \_\_\_\_\_

FIESTA MART, LLC,

*Defendant.*

**LIST OF COUNSEL OF RECORD**

Party and Party Type	Attorney(s)
Priscilla Coleman, Plaintiff	Mackenzie B. Linyard Rad Law Firm 8001 LBJ Fwy, Suite 300 Dallas, Texas 75251 972-661-1111 <a href="mailto:mlinyard@radlawfirm.com">mlinyard@radlawfirm.com</a> <a href="mailto:efileML@radlawfirm.com">efileML@radlawfirm.com</a>
Fiesta Mart, LLC, Defendant	C. Robert Dorsett, Jr. State Bar No. 24029524 Jessica A. Putonti State Bar No. 24041295 Douglas M. Walla State Bar No. 20759900 3503 Wild Cherry Dr., Bldg. 6 Austin, Texas 78738 Telephone: (512) 600-4365 Facsimile: (512) 266-3655 E-mail: <a href="mailto:eservice@dorsettjohnson.com">eservice@dorsettjohnson.com</a>

# EXHIBIT “8”

**CAUSE NO: DC-21-06366**

**PRISCILLA COLEMAN**  
*Plaintiff,*

**vs.**

**FIESTA MART, LLC**  
*Defendant*

**IN THE DISTRICT COURT**

**44<sup>TH</sup> JUDICIAL DISTRICT**

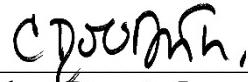
**DALLAS COUNTY, TEXAS**

**DEFENDANT'S NOTICE OF FILING OF NOTICE OF REMOVAL**

On July 14<sup>th</sup> 2021, Defendant Fiesta Mart, LLC filed a Notice of Removal (attached herein as Exhibit A) in the Office of the Clerk of the United States District Court for the Northern District of Texas, Dallas Division.

Respectfully submitted,

**DORSETT, JOHNSON & SWIFT, LLP**



C. Robert Dorsett, Jr.  
State Bar No. 24029524  
Jessica A. Putonti  
State Bar No. 24041295  
Douglas M. Walla  
State Bar No. 20759900  
3503 Wild Cherry Dr., Bldg. 6  
Austin, Texas 78738  
Telephone: (512) 600-4365  
Facsimile: (512) 266-3655  
E-mail: [eservice@dorsettjohnson.com](mailto:eservice@dorsettjohnson.com)  
**ATTORNEYS FOR DEFENDANT**

**CERTIFICATE OF SERVICE**

Pursuant to Texas Rules of Civil Procedure 21 and 21a, a true and correct copy of the foregoing has been served upon all counsel of record, via ProDoc E-Service and Electronic Mail, on this the 14<sup>th</sup> day of July 2021:

Mackenzie B. Linyard  
Rad Law Firm  
8001 LBJ Fwy, Suite 300  
Dallas, Texas 75251  
972-661-1111  
[mlinyard@radlawfirm.com](mailto:mlinyard@radlawfirm.com)  
[efileML@radlawfirm.com](mailto:efileML@radlawfirm.com)  
*Attorneys for Plaintiff*

  
\_\_\_\_\_  
C. Robert Dorsett, Jr.

# EXHIBIT “9”

**AFFIDAVIT OF MICHAEL SALTZSTEIN**

STATE OF California §  
§  
COUNTY OF Los Angeles §

BEFORE ME, the undersigned authority, on this day personally appeared Michael Saltzstein ("Affiant"), who being by me first duly sworn, stated the following under oath:

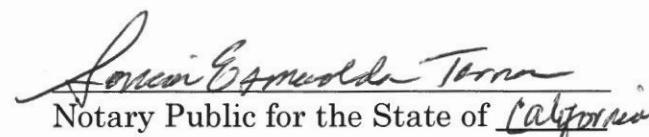
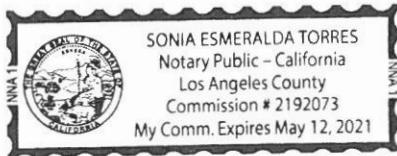
1. "My name is Michael Saltzstein. I am over twenty-one years of age, of sound mind, have never been convicted of a felony or crime of moral turpitude, and am otherwise qualified to make this affidavit.
2. My job title is Senior Director and Head of Risk Management for Bodega Latina Corp. and the facts stated herein are based on my personal knowledge obtained in that capacity. I have been authorized by Bodega Latina Corp. and Fiesta Mart, LLC to make this statement on their behalf. I am familiar with the corporate structures of Bodega Latina Corp. and Fiesta Mart, LLC in my capacity as Head of Risk Management for Bodega Latina Corp.
3. Defendant Fiesta Mart, LLC is wholly owned by, and a subsidiary of, Bodega Latina Corp. Defendant Fiesta Mart, LLC is a limited liability company with a sole member, Bodega Latina Corp. Bodega Latina Corp. is incorporated in Delaware and maintains its principal place of business in California."

The affiant says nothing further.



Michael Saltzstein

Subscribed and sworn to before me on April 1, 2020.



Sonia Esmeralda Torres  
Notary Public for the State of California

My commission expires: May 12, 2021  
Notary Stamp